IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 872 OF 2006

Shri Ramesh Laxman Patil ...Applicant.

V/s.

State of Maharashtra ....Respondent.

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Mr. S.R. Chitnis, Sr. Advocate with Mr. D.C.Mishra
for the applicant.

Mr. Y.S. Shinde, APP for the State.

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**CORAM: V.M. KANADE, J.**

**DATE: 14th March 2006**

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No. I-155/04 registered with Bazarpeth Police Station, Kalyan for the offence punishable under sections 302, 120(B), 201, 212 of the Indian Penal Code read with sections 25(1), 27 of the Arms Act.

3. The applicant was arrested on 13/11/2004. It is the case of the prosecution that on account of business rivalry, the applicant engineered the murder of the deceased and directed the other accused to eliminate the deceased. The deceased, at that time,

was on the motor-cycle and the applicant and the other accused came there behind and, at the best of the present applicant, two shots were fired at the deceased. The recovery of the revolver was made at the instance of the present applicant. The six empties were also recovered at the instance of the applicant. The two lead bullets found from the persons of the deceased, the said revolver and also the empties which were recovered at the instance of the applicant were sent to Ballistic Expert. The Ballistic Expert has opined that two bullets which were recovered from the body of the deceased were fired from the said revolver which was recovered at the instance of the applicant. One witness has also stated that the present applicant was present alongwith two accused.

4. The learned APP has invited my attention to the cases which are pending against the present applicant. It is submitted that the applicant is a history sheeter who is involved in several offences. There were as many as 23 cases filed against the present applicant for various offences including the offence punishable under section 302. The applicant, according to the prosecution, has been acquitted in most of the cases and only three cases are pending.

Considering this evidence against the present applicant and also the fact that he was seen by one of the eye witnesses, this is not a fit case for grant of bail. The application for bail is rejected.

5. Application is accordingly rejected.

V.M. KANADE, J.